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Dated: 2/17/04 Signature: 
(Ginny Blundell)

Image

1636

Docket No.: APBI-P08-317
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Crabtree et al.

Application No.: 10/054712

Confirmation No.: 6936

Filed: November 13, 2001

Art Unit: 1636

For: REGULATED APOPTOSIS

Examiner: D. A. Lambertson

PETITION UNDER 37 CFR § 1.78(a)(3)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition is being filed to perfect the priority claim in the above-referenced patent application after the time period set forth in 37 CFR § 1.78(a)(2). Applicants respectfully submit that the entire delay in filing the claim past the time allotted under 37 CFR § 1.78(a)(2) is unintentional.

The priority claim of the above-referenced patent application was added to the specification by preliminary amendment on May 9, 2003 and should read as follows:

This application is a continuation of U.S. Ser. No. 09/302,629, filed April 30, 1999 (U.S. Pat. No. 6,316,418), which is a continuation of U.S. Ser. No. 09/087,811, filed May 29, 1998 (U.S. Pat. No. 6,054,436), which is a continuation of U.S. Ser. No. 08/292,597, filed Aug. 18, 1994 (U.S. Pat. No. 5,834,266), which is a continuation-in-part of U.S. Ser. No. 08/179,143 filed Jan. 7, 1994 (abandoned), which is a continuation-in-part of U.S. Ser. No. 08/093,499 filed Jul. 16, 1993 (abandoned); U.S. Ser. No. 09/302,629 is also a continuation-in-part of U.S. Ser. No. 08/196,043 filed Feb. 11, 1994 (abandoned), which is a continuation-in-part of U.S. Ser. No. 08/179,748 filed Jan. 7, 1994 (abandoned), which is a continuation-in-part of U.S. Ser. No. 08/092,977 filed Jul. 16, 1993 (abandoned), which is a continuation-in-part of U.S. Ser. No.

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08/017,931 filed Feb. 12, 1993 (abandoned). The contents of each of these applications is hereby incorporated by referenced into the present disclosure.

Applicants hereby authorize the commissioner to charge the fee of **\$1,330.00** for the acceptance of an unintentionally delayed claim for priority under 37 CFR § 1.17(t) to our **Deposit Account No. 18-1945**. If there are any additional fees due in connection with the filing of this Petition, please charge our Deposit Account No. 18-1945, under Order No. APBI-P08-317 from which the undersigned is authorized to draw.

Dated: February 17, 2004

Respectfully submitted,

By 
Melissa S. Rones, Ph.D.

Registration No.: 54,408
ROPES & GRAY LLP
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Attorneys/Agents For Applicant



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FEE TRANSMITTAL for FY 2004 <small>Effective 10/01/2003, Patent fees are subject to annual revision.</small>		Complete if Known					
		Application Number	10/054712				
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	November 13, 2001				
		First Named Inventor	Gerald R. Crabtree				
		Examiner Name	D. A. Lambertson				
TOTAL AMOUNT OF PAYMENT (\$)		1330.00	Art Unit	1636			
		Attorney Docket No.	APBI-P08-317				
METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)					
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		3. ADDITIONAL FEES					
<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 18-1945 Deposit Account Name: Ropes & Gray LLP		Large Entity Small Entity					
The Director is authorized to: (check all that apply)		Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments		1051	130	2051	65	Surcharge - late filing fee or oath	
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		1053	130	1053	130	Non-English specification	
FEE CALCULATION		1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1. BASIC FILING FEE		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
Large Entity	Small Entity	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
Fee Code	Fee (\$)	1251	110	2251	55	Extension for reply within first month	
1001	770	1252	420	2252	210	Extension for reply within second month	
1002	340	1253	950	2253	475	Extension for reply within third month	
1003	530	1254	1,480	2254	740	Extension for reply within fourth month	
1004	770	1255	2,010	2255	1,005	Extension for reply within fifth month	
1005	160	1401	330	2401	165	Notice of Appeal	
SUBTOTAL (1) (\$)		1402	330	2402	165	Filing a brief in support of an appeal	
0.00		1403	290	2403	145	Request for oral hearing	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE		1451	1,510	1451	1,510	Petition to institute a public use proceeding	
Total Claims	Extra Claims	1452	110	2452	55	Petition to revive - unavoidable	
Independent Claims	Fee from below	1453	1,330	2453	665	Petition to revive - unintentional	
Multiple Dependent	Fee Paid	1501	1,330	2501	665	Utility issue fee (or reissue)	
Large Entity	Small Entity	1502	480	2502	240	Design issue fee	
Fee Code	Fee (\$)	1503	640	2503	320	Plant issue fee	
1202	18	1460	130	1460	130	Petitions to the Commissioner	
1201	86	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1203	290	1806	180	1806	180	Submission of Information Disclosure Stmt	
1204	86	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1205	18	1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
SUBTOTAL (2) (\$)		1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
0.00		1801	770	2801	385	Request for Continued Examination (RCE)	
**or number previously paid, if greater; For Reissues, see above		1802	900	1802	900	Request for expedited examination of a design application	
		Other fee (specify), 1454		Acceptance of delayed claim for priority		1330.00	
		*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)		1330.00	
SUBMITTED BY		(Complete if applicable)					
Name (Print/Type)	Melissa S. Rones, Ph.D.	Registration No. (Attorney/Agent)	54,408	Telephone	(617) 951-7653		
Signature		Date	February 17, 2004				

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